



3743

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BERG Examiner: J. COCKS
& TRADEMARKS Serial No.: 09/851,803 Group Art Unit: 3743
Filed: MAY 9, 2001 Docket: 12929.1061US01
Confirmation No.: 3572
Due Date: JULY 4, 2003
Title: SIMULATED ELECTRIC GLOWING EMBERS SYSTEM FOR FIREPLACES

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 7, 2003.

By: Linda M. Beckman

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

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- Transmittal Sheet in duplicate containing Certificate of Mailing
- Response
- Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

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612.332.5300

By: Matthew A. Doscatch
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S/N 09/851,803

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PATENT 11/10

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RESPONSE

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Dear Sir:

In response to the Office Action mailed April 4, 2003, please consider the following remarks.

REMARKS

Claims 1-27 are pending in this application. The Examiner rejected claims 1-27 under 35 U.S.C. § 103(a). Applicant respectfully traverses these rejections. For the reasons set forth below, Applicant believes the claims are in condition for allowance and notice to that effect is earnestly solicited.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-3, 7, 8, 12, 15, 17-24, 26, and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,965,707 to *Butterfield* in view of U.S. Patent No. 6,053,165 to *Butler et al.* and "Glass" article from Microsoft® Encarta® Online Encyclopedia 2003.